

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00166-MOC-WCM**

HEATHER KATHLEEN GUNN,)
)
Plaintiff,)
)
v.)
)
BRANDON R. PADGETT)
NC State Highway Patrol Trooper,)
)
Defendant.)
)

ORDER

This matter is before the Court on Defendant's Motion to Have Answer Deemed Timely (the "Motion," Doc. 10).

Plaintiff's Complaint was filed on June 23, 2021.

On September 24, Plaintiff filed a Motion for an Extension of Time to Serve Process, which appeared to indicate that service had not yet been made. Doc. 5. However, on September 27, information was filed indicating that Defendant was served on September 20. Doc. 6.

Plaintiff's request for extension of time to serve process was allowed on September 30 and the time for service was enlarged through and including November 5, 2021. Doc. 7.

On October 14, 2021, Defendant filed an Answer to the Complaint. Doc. 9. Defendant also filed the instant Motion, which states that Defendant was

served on September 20, 2021 and that his deadline to file an answer or otherwise respond to Plaintiff's Complaint was October 12, 2021.

Although the deadline for Plaintiff to respond to the instant Motion has not yet passed, in the interest of judicial efficiency and considering Defendant's brief delay in filing his Answer, the previous extension of the period for Plaintiff to effect service, the information set forth in the Motion, and the general policy that matters should, where appropriate, be decided on their merits, the undersigned will allow the Motion and deem Defendant's answer timely filed.

IT IS THEREFORE ORDERED that the Motion to Have Answer Deemed Timely (Doc. 10) is **GRANTED**, and Defendant's Answer (Doc. 9) is accepted.

Signed: October 14, 2021



W. Carleton Metcalf
United States Magistrate Judge

